

### **REMARKS/ARGUMENTS**

The Examiner made a provisional double patenting rejection of claims 1-96 under 35 USC 101 over application Serial No. 09/338,941. However this application has been abandoned. Thus, the double patenting rejection is now moot.

Claims 103, 115, 116, 141 and 142 were objected to on formal grounds, and these claims have been suitably amended herein to overcome the deficiencies pointed out by the Examiner.

Claim 1 has been rejected over Akimoto in view of Tang. Claims 2-9, 11, 13-21, 25 31, 32, 69, 70 and 157 have been rejected under 35 USC 103(a) over Akimoto and Tang, and further in view of Stenstrom. Claims 10, 12, 22-24, 30, 33, 34 and 71 have been rejected over Akimoto in view of Tang, and further in view of Stenstrom and Blank. Claims 26-29 and 35 have been rejected under 35 USC 103(a) over Akimoto in view of Tang, and further in view of Lee. Claims 36-38 have been rejected under 35 USC 103(a) over Akimoto in view of Tang, and further in view of Clanton. Claims 72-77, 79-84, 88, 94, 153-156 and 159 have been rejected under 35 USC 103(a) over Huang. Claim 78 has been rejected under 35 USC 103(a) over Huang in view of Akimoto. Claims 85, 86 and 91 have been rejected under 35 USC 103(a) over Barwacz. Claims 149 and 158 have been rejected under 35 USC 103(a) over O'Brill in view of Cone. Claims 150-152 have been rejected under 35 USC 103(a) over O'Brill in view of Cone, and further in view of Tang and Clanton.

Reconsideration and withdrawal of these registrations are respectfully requested in view of the claim modifications made herein and/or in light of the following remarks.

Claims 17, 20, 23-25, 28, 48, 53-55, 63-68, 72-86, 88, 90, 91, 94, 96, 149-152 and 158 have been cancelled. Therefore, the rejection of these claims has been rendered moot. Claims 1, 12, 13, 14, 18, 21, 22, 27, 31-33, 39, 45, 49, 52, 56, 62, 103, 115, 116, 127, 141 and 142 have been amended herein.

Akiomoto describes a system of generating a three dimensional facial model of a specific person using a generic head model and two images, namely a front view and a side view. Although some minor correction for head tilt is described, essentially the system described in Akiomoto is reliant upon the head being placed in a fixed position before outline images are obtained (see page 17 second paragraph). By comparing the outlines of the obtained head images with the outline of an unmodified generic head model, offsets for modifying the shape of the generic head are determined, and a modified model representative of the specific person is obtained.

In contrast to the generic head model used in Akiomoto, the present invention includes features that are able to generate complete body models. This is achieved by calculating the orientation of an individual's limbs in an image and then using that orientation information to generate a generic model with limbs positioned in those orientations. Offsets for modifying the generated generic model to represent a specific individual are then calculated using this generic model with limbs in a corresponding orientation. A basis for the amendments to the claims can be found in, for example, the section of the specification entitled "Posture determination" appearing on pages 54-56 together with the section entitled "Outline calculation" appearing on pages 78 -82.

It is respectfully submitted that none of the prior art references cited by the Examiner disclose, teach or suggest the claimed invention involving generating a computer model of an individual.

The allowability of claims 87, 89, 92, 93, 95, 97-102, 114, 117-140 and 143-147 is acknowledged with appreciation.

Based on all of the above, it is respectfully submitted that the claims are in condition for allowance. Prompt and favourable action to this effect is respectfully solicited.

Should the Examiner have any comments, questions, suggestions or objections, he is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of such outstanding matters.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
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